

Senate Bill 100

By: Senators Smith of the 52nd, Wiles of the 37th, Hill of the 4th, Harp of the 29th, Hamrick of the 30th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

To amend Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to provisions applicable to particular groups of employees in the Employees' Retirement System of Georgia, so as to change the designation of the Georgia Public Defender Standards Council to the Georgia Public Defender Agency; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to provisions applicable to particular groups of employees in the Employees' Retirement System of Georgia, is amended by revising Code Section 47-2-323, relating to membership in the Employees' Retirement System of Georgia by employees of the Georgia Public Defender Standards Council, creditable service, and contributions, as follows:

"47-2-323.

(a) As used in this Code section, the term:

(1) '~~Council~~' 'Agency' means the Georgia Public Defender ~~Standards Council~~ Agency.

(2) 'Employee' means any full-time employee of the ~~council~~ agency.

(3) 'Proof of prior employment' means pay records, income tax withholding records, or other records of the ~~council~~ agency which are sufficient to establish to the satisfaction of the board of trustees the prior employment record of an employee of the ~~council~~ agency.

(b) Effective July 1, 1994, or on the date of employment, each employee of the ~~council~~ agency shall become a member of the retirement system.

(c)(1) This subsection shall apply only to an employee of the ~~council~~ agency employed by the ~~council~~ agency prior to July 1, 1994.

(2) An employee of the ~~council~~ agency who is subject to the provisions of this subsection shall, upon furnishing proof of prior employment to the board of trustees, be eligible to receive creditable service under this retirement system for prior employment as an

employee of the ~~council~~ agency, subject to the requirements of this subsection. Any such employee ~~must~~ shall pay to the board of trustees the employee contributions which would have been paid during the period of prior employment if the employee had been a member of the retirement system during such period. The ~~council~~ agency shall pay from any funds available to the ~~council~~ agency the employer contributions which would have been paid during such period of prior employment. For a member claiming creditable service for prior employment under this subsection, the board of trustees shall determine the period of time that the payments to the board of trustees provided for under this subsection will fund as creditable service under the retirement system without creating any additional accrued liability of the retirement system. Except as otherwise provided in paragraph (3) of this subsection, the amount of creditable service so determined shall be the creditable service to which the member is entitled.

(3) The ~~council~~ agency shall be authorized to supplement, if necessary, the payments made to the board of trustees under paragraph (2) of this subsection in an amount, as determined by the board of trustees, which will fully fund as creditable service the total amount of prior employment of the employee without creating any additional accrued liability of the retirement system. If such supplement is paid to the board of trustees by the ~~council~~ agency, the employee shall receive full creditable service under the retirement system for all prior employment as an employee of the ~~council~~ agency.

(d) Any employee of the ~~council~~ agency who was already a member of the retirement system on July 1, 1994, and any member of the retirement system who, without any break in service, becomes an employee of the ~~council~~ agency on or after July 1, 1994, shall continue in the same membership status without any interruption in membership service and without the loss of any creditable service.

(e) Except as otherwise provided in subsection (d) of this Code section, an employee of the ~~council~~ agency becoming a member of the retirement system pursuant to the provisions of this Code section shall be subject to the provisions of Code Section 47-2-334.

(f) All employer contributions, including employee contributions made by the employer on behalf of members, which are required by this chapter shall be made for members who are subject to the provisions of this Code section from funds appropriated to or otherwise available for the operation of the ~~council~~ agency. The ~~council~~ agency shall deduct from the salaries payable to such members the additional employee contributions required by this chapter."

## SECTION 2.

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### SECTION 3.